

BOARD OF PUBLIC WORKS & SAFETY
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Board member Warren Beville presided, calling the meeting to order at 8:30 a.m.

PRESENT: Board members Warren Beville, Kevin Hoover; City Attorney Shawna Koons-Davis; Kevin Riddle for Director of Engineering Paul Peoni; Director of Operations Norm Gabehart; and Nancy Sprong for Clerk-Treasurer Jeannine Myers.
Mayor Charles Henderson was not able to attend.

Mr. Beville moved to approve the minutes of the regular session of May 18th as presented. Second by Mr. Hoover. Vote: Ayes.

Kevin McGinnis, on behalf of Wakefield Commercial Subdivision, asked for acceptance of sanitary sewers, acceptance of a sanitary sewer easement, acceptance of a maintenance bond, and acceptance of the Owner's Certification of Completion. Keith Meier, Sanitation Superintendent, has issued a final approval letter. It appears that all Inspection & Testing fees have been paid. The Engineering Department has received final paper as-builts. The amount and improvements shown on the maintenance bond are correct. The legal, exhibit and form of the offsite sanitary sewer easement are correct, and the Certificate of Correction appears to be in order. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Wakefield Commercial Subdivision from "Added Manhole #1 to Manhole #206". A portion of the sanitary sewer was accepted at the October 7, 2004 Board meeting.
- 2) Accept three (3) year maintenance bond #104654933 from Travelers Casualty and Surety Company of America in the amount of \$7,578 for the sanitary sewer from Added Manhole #1 to Manhole #206 at Wakefield Commercial Subdivision.
- 3) Accept an offsite sanitary sewer easement from Wakefield Associates, LLC. This easement is needed because the sanitary sewer was built outside of the original platted easement for the overall Wakefield Commercial Subdivision.
- 4) Execute the Certificate of Correction for the Lot 4 Wakefield Commercial Subdivision Plat. This correction is needed because the plat for Lot 4 was not presented to the Board for signatures and there was a covenant missing regarding storm water connections not being allowed to connect to the sanitary sewers, all contingent upon:
 - a. Receipt of the ORIGINAL maintenance bond.
 - b. Review and approval of the form of the maintenance bond by the Law Department.
 - c. Receipt of the ORIGINAL signed offsite easement from the developer.
 - d. Receipt of the ORIGINAL Certificate of Correction from the developer.
 - e. Receipt of the ORIGINAL Owner's Certification of Completion from the developer.
 - f. Receipt of two (2) sets of mylar as-builts.
 - g. Review by the Engineering and Sanitation Field departments as to whether all 15 Year Law fees have been paid to both Sheffield Park and FairOaks. Information in the file indicates that these fees may not have been paid as of this date.
 - h. Recording of the Certificate of Correction and the offsite sanitary sewer easement by the developer with the ORIGINAL recorded documents submitted to the Engineering Department.

Second was by Mr. Beville. Vote: Ayes.

Tony George of Sign Craft Industries came forward for Chase Bank, Emerson Pointe, Block "A", Lot #1 to ask for encroachment of a drainage, utility and sanitary sewer easement to place a ground sign for Chase Bank. The bank (sign

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company) has received letters from AT&T, Insight Communications, Greenwood Sanitation Department, Indiana American Water and Vectren Energy. They are waiting for the letter that needs to be obtained from IPL. There does not appear to be a conflict with the storm sewer in the area. Mr. Hoover moved to allow the placement of a ground sign for Chase Bank to encroach into a platted 30' drainage, utility and sanitary sewer easement, with the understanding that this sign is being placed at the owner's risk and if any utility needs to access the easement and the sign is damaged or disturbed, it shall be repaired at the owner's cost. Second by Mr. Beville. Vote: Ayes.

Todd Poynter, pastor of the Greenwood Bible Baptist Church, requested release of a performance Letter-of-Credit (LOC) for erosion control. There has been a final field inspection showing that the erosion control appears to have been satisfactorily installed. Pastor Poynter indicated that the additional storm structure and mounding near the pond discussed at the September 22, 2005 Board meeting has been installed. This will need to be inspected. Mr. Hoover moved to:

- 1) Acknowledge that the private improvement of erosion control has been installed in reasonable compliance with the design plans and that there is a good stand of grass at Greenwood Bible Baptist Church, Phase II.
- 2) Release performance LOC #420527 from Bank One in the amount of \$18,836 for the installation of the erosion control at Greenwood Bible Baptist Church, Phase II, all contingent upon:
 - a. Inspection and approval of the additional storm structure and mounding by the Engineering Department.

Second by Mr. Beville. Vote: Ayes.

For Heron Ridge Subdivision Replat – Lot 36, Ken Zumstein of J. Greg Allen & Associates asked for acceptance of the sanitary sewer, acceptance of the maintenance bond and release of the performance bond. The Sanitation Superintendent has issued a final approval letter. It appears that all Inspection & Testing fees have been paid. The Engineering Department has received final paper as-builts. The amount and improvement shown on the maintenance bond are correct. The plat with the necessary easements has already been recorded. Mr. Hoover moved to:

- 1) Accept the sanitary sewer at Heron Ridge Subdivision Replat – Lot 36.
- 2) Accept three (3) year maintenance bond #5020009 from Bond Safeguard Insurance Company in the amount of \$3,676 for the sanitary sewer at Heron Ridge Subdivision Replat – Lot 36.
- 3) Release performance bond #5018088 from Bond Safeguard Insurance Company in the amount of \$18,378 for the installation of the sanitary sewers at Heron Ridge Subdivision Replat – Lot 36, all based upon:
 - a. Review and approval of the form of the maintenance bond by the Law Department.
 - b. Receipt of two (2) sets of mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

Mr. Zumstein next represented Riverwood Marketplace, Section One in requesting release of the performance bond for sidewalks. The developer (Riverwood Marketplace, LLC) posted this sidewalk performance bond initially during the infrastructure improvement portion of the project. Since that time the sidewalks along S.R. 135 and the rear access road to Old National Bank, O'Charley's and Applebee's have been double bonded by these three individual businesses. The City now has in its possession either performance or maintenance guarantees for the sidewalks at this site from these three businesses. There is no longer any need for the performance bond for the sidewalks from Riverwood Marketplace, LLC. Sidewalks will be bonded and installed along the west side of the rear access road stated above when

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development occurs on the remaining block "C" of Riverwood Marketplace, Section One. Mr. Hoover moved to:

- 1) Release performance bond #5003800 from Bond Safeguard Insurance Company in the amount of \$8,107 for the installation of the sidewalks at Riverwood Marketplace, Section One.

Second by Mr. Beville. Vote: Ayes.

Greg Ilko of Crossroad Engineers, on behalf of Charter Crossing – Greenwood Park Mall Lot 4, asked for acceptance of Inspection & Testing Agreements, acceptance of performance bonds, and direction on either posting a performance guarantee or making a restrictive donation for the installation of the sidewalks along Fry Road at the site. The developer has had the approved bond amounts for eight days and has not yet submitted either the bonds or the Inspection & Testing Agreement. Mr. Ilko told the Board that, for the developer, posting a performance guarantee would be preferable to making a restrictive donation. This was acceptable to the Board. After discussion, Mr. Hoover moved to:

- 1) Accept a performance guarantee in the amount of \$50,685 for the installation of the dirtwork and storm sewers at Charter Crossing.
- 2) Accept a performance guarantee in the amount of \$10,441.39 for the installation of the erosion control at Charter Crossing.
- 3) Accept a performance guarantee in the amount of \$4,620 for the installation of the sidewalks along Fry Road at Charter Crossing.
- 4) Accept the Inspection & Testing Agreement for all improvements except sanitary sewer and the 50% upfront fee, all contingent upon:
 - a. Receipt and review and approval of the performance guarantees by both the Engineering and Law departments.
 - b. Receipt and review and approval of the Inspection & Testing Agreement by the Engineering and Law Departments.

Second by Mr. Beville. Vote: Ayes.

Bob Lane was present to ask for acceptance of an offsite sanitary sewer easement for Kingston Village. An offsite sanitary sewer easement has been submitted to the City for review but the legal description and graphic exhibit need to be revised. The body of the document needs to be prepared by the City Attorney and not the petitioner. As proper procedure was not followed, Mr. Hoover moved to continue the matter until the June 22nd meeting. Second by Mr. Beville. Vote: Ayes.

On behalf of OMS, Jim Smith requested permission from the Board to change the name of "Charles Drive" to "Dewel Drive". The street is only one block in length and is contained solely within the OMS complex. The name change is requested to honor Dr. Wesley Dewel, who has served with OMS for over fifty years, half of that period as either president or president emeritus. He would be recognized at his 90th birthday celebration planned for the last week of June. Ms. Koons-Davis mentioned the need to contact the post office. Mr. Beville moved to allow the name change as described. Second by Mr. Hoover. Vote: Ayes.

Bruce Sklare came forward on behalf of Jean Allen Robertson of 975 Smock Drive to discuss sanitary sewer service. A Sanitary Sewer Easement and Agreement signed in 1997 acknowledges that "should GRANTOR seek sewer service of the real estate owned by her as described in Exhibit "B" as a City of Indianapolis customer rather than a Greenwood Sewage Works customer, Greenwood will provide all other reasonable consents and documents to the City of Indianapolis." Mr. Sklare told the Board he was seeking official affirmation or recognition of this document. After discussion, Mr. Hoover said, that although the Board is aware of Group B problems, he would like to defer the matter until the Mayor can be present. Mr. Sklare reiterated that they were seeking sewer service as a customer of Indianapolis and are at a stand still at this point. Mr.

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Beville moved to continue the matter until the next meeting on June 22nd. Second by Mr. Hoover. Vote: Ayes. Spring Hill will be on the next agenda.

Code Enforcement Officer John Myers was next. Of twenty nuisance complaints originally on the agenda, he reported that 15 had been abated. These are circled in the agenda contained in the attachments of this meeting.

At 1668 Oak Drive, there was a complaint of a vacant house with high grass and an abandoned, unlicensed vehicle (a 1996 Dodge) with wheel removed. Owners are Eric and Christina Allen, who are separated. Code Enforcement made an inspection on 4/24 and left a 10-Day Notice for the high grass and junked vehicle. Christina advised CE on 5/01 of her husband's work location and that the title to the vehicle was being held by the State for back child support. Mr. Myers spoke to Mr. Allen at his work and advised him to make arrangements with Marion County Child Support to get the vehicle removed. Certified letters were sent to the Allens to appear at today's meeting. The letter sent to Mr. Allen was returned as undeliverable. Inspection on 5/22 showed the grass has been mowed but the vehicle remains, said Mr. Myers. Marion County Child Support indicated that the lien on the vehicle would not be removed until back child support is paid. A wrecker service will not be able to sell the vehicle, said Mr. Myers, and the City Attorney needs to call the Marion County Prosecutor's office. Counsel will research the issue. Mr. Hoover moved to find that a nuisance exists at 668 Oak because of the unlicensed, abandoned vehicle and defer to the City Attorney those actions that she deems appropriate to remedy the situation after researching the issue and that she be authorized to take whatever actions she deems are in the City's best interest. Second by Mr. Beville. Vote: Ayes.

The second violation, a vacant property at 1000 Monitor Court, was for high weeds and trash. The front yard has been mowed; the back yard has not. The property belongs to LeeAnne Herald. A certified letter was sent to Ms. Herald at the above address and her forwarding address and to the mortgage company to appear at today's Board meeting. On 6/05 Shannon Johnson in the foreclosure department of Flagstar Bank advised CE that the property is scheduled for mowing by June 26th. An inspection yesterday showed that the neighbors have mowed part of the yard but the back yard remains with high grass. Mr. Hoover moved to find that a nuisance exists at 1000 Monitor Court because of the high grass, that the City Attorney issue a 7-Day Letter of Abatement, and failing that, that she take all steps she deems appropriate to remedy the situation and collect the costs against the property owner. Second by Mr. Beville. Vote: Ayes.

Code Enforcement observed a violation of high grass and weeds at a vacant house located at 1382 Fry Road on 5/08. This is a HUD/VA home. On 5/10 Code Enforcement left a message for Kimberly, in the foreclosure department of CIT Group. The owner of the property is Andrew Mudd. On 5/12 the property was listed for sheriff's sale on 6/15 in the paper. CIT will not own the property until after the sale. Mr. Hoover moved to find that a nuisance exists at 1382 Fry Road because of the high grass and weeds, that the City Attorney issue a 7-Day Letter of Abatement, that she work with the Code Enforcement to determine if it can be remedied without the City, and if not to take all appropriate steps to remedy the situation and collect the costs back against the property owner. Second by Mr. Beville. Vote: Ayes. After discussion, Mr. Hoover amended his motion to direct the City Attorney to issue the Letter of Abatement within seven days after the sheriff's sale. Second by Mr. Beville. Vote: Ayes.

The last two properties are owned by Indiana Land Company, LLC. On 5/17 Code Enforcement made a yearly inspection of the violation site of vacant lots at Summerfield Crossing and found high grass and trash. A certified letter was sent to appear at the June 8th Board meeting. On 5/22 a receipt was returned. The

property has been mowed but not trimmed and some trash remains. Mr. Myers cited from the letter sent to Indiana Land Company that the action deemed necessary to correct this situation is to “mow, trim high grass and weeds, remove trash and debris from the property known as the vacant lots on Worthsville Road, Greenwood, Indiana.” Trash blows over from the strip mall, and Mr. Myers told the Board that several businesses have been cited. Mr. Hoover moved to find that a nuisance exists because of the high grass and weeds on the vacant lots at Summerfield Crossing, that the City Attorney issue a 7-Day Letter of Abatement, and failing the correction of the situation that she take all steps she deems reasonable and appropriate to remedy the situation and collect the costs back against the property owner. Second by Mr. Beville. Vote: Ayes.

Concerning the retention pond behind Kroger's on Independence Drive, the complainant told CE that he is constantly picking up trash that blows into his yard from this area. The pond is littered with flyers, trash and debris and high grass and weeds. On 5/05 Code Enforcement observed trash around the retention pond on the north side and the west corner of the pond. A certified letter was sent to the Indiana Land Company to appear before the Board of Works on 6/08. On 5/22 a return receipt was received. Mr. Myers has left two recorded phone messages for Phil Garrison of the Indiana Land Company. The property has been partially mowed but Mr. Garrison has not returned calls from Mr. Myers. The owner of the strip mall told Mr. Myers that it is not his problem. After discussion, Mr. Hoover moved to find that a nuisance exists at the retention pond at Summerfield Crossing owned by Indiana Land Company because of the high grass and weeds, that the City Attorney issue a 7-Day Letter of Abatement, and failing that, that she take all reasonable steps to remedy the situation and charge the cost back against the property owner. Second by Mr. Beville. Vote: Ayes. Mr. Hoover amended his motion to clean the trash and debris around and in the pond, as well. Second by Mr. Beville. Vote: Ayes.

From the audience, Doug Wagner with Precedent Residential Development came forward to discuss two lots on Griffith Road in the Homecoming at University Park area that are exceptionally deep compared with the neighboring lots. He brought exhibits for the Board's review. Ten lots along Griffith Road were subdivided years ago, said Mr. Wagner, into the Lancaster Subdivision. The two lots in question do extend beyond the other lots. The owners of the two lots told Mr. Wagner that they were more interested in sanitary sewer service than in payment for the right-of-way. Mr. Wagner told the Board that the Director of Engineering had indicated that in order to obtain single-parcel Sewer Service Agreements, he would need to appear before the Board to have those authorized. He asked that the Board would allow these two land owners in the Lancaster Subdivision to hook up into this subdivision without being annexed. The two landowners, Mr. Benefield and Mr. Entrekin, would like to remain part of the County; they would like to avoid the filing fee and the public notification. Mr. Wagner has explained to the landowners that if the City agrees we would require a non-remonstration clause. Neither party has objections to that, said Mr. Wagner, who went on to point out that the surrounding area to the east is ground that has not been annexed. Mr. Wagner reiterated his request to allow the two homeowners to connect to the City's sanitary sewer system without the requirement of annexation, with the caveat that there will be a non-remonstration clause. In the next 30 to 45 days, Mr. Wagner estimated that the sewer would be in the ground; then the rest of the subdivision has to be completed and approved before the sewer would be accessible to Mr. Benefield and Mr. Entrekin. He expects approval within the next 90 days. Ms. Koons-Davis mentioned that any Sewer Service Agreement would have a deadline for connection. There was more discussion on providing other City services. Mr. Gabehart brought up the issue of the road being included in any annexation, and counsel confirmed that we would get the road along the property. With this issue and others, it was the

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consensus of the Board to continue this until the June 22nd meeting when the Mayor can be present.

On her Status of Tasks, Ms. Koons-Davis reminded the Board that the curbside trash and recycling services contract will expire on November 3, 2006 and be up for bids again. Under the terms of the contract we are obligated to provide Republic Services with 120 days notice of our intent to terminate our contract. Notice would have to be sent by the end of June to ensure timely receipt. The Board should make a determination as to level of service specifications before bid specifications are prepared and advertised (by the end of the summer). Mr. Beville moved to authorize the City Attorney to forward the required notice of termination of contract to Republic Services of Indiana, Inc. regarding the City's trash and recycling services contract. Second by Mr. Hoover. Vote: Ayes.

Human Resources Director Bill Jackson updated the Board on the special census. Advertising for workers will begin next week. There will probably be a ten-mile radius in the first area ("ring") to be worked. Space has been acquired at 500 S. Polk and has been approved by the Census Bureau. Applications will be available at the Human Resources office. August 1st is the target start date. In response to Ms. Koons-Davis, Mr. Gabehart indicated that as he understands, the office space is being donated.

Mr. Gabehart asked the Board to consider reducing the amount for pursuing collection of trash bills from \$350 down to a three-month total of \$25.50. This will allow a better picture of the Waste Management account. The collection is done in-house by the Law Department. Mr. Hoover moved that the Board of Public Works and Safety policy on collecting trash bills be commenced when the property owner is three months delinquent. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to approve the claims as presented through June 8th. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 9:50 a.m.

Warren E. Beville, Presiding Member

Jeannine Myers, Clerk-Treasurer